

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

DISMISSED: February 9, 2005

GSBCA 16531

HIRAM CUETO,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Hiram Cueto, pro se, Ceres, CA.

Andrew J. Sinn, Office of Regional Counsel, General Services Administration,
Atlanta, GA, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

Hiram Cueto purchased a gas chromatograph at an on-line auction conducted by the General Services Administration. When he received the chromatograph, he contacted the contracting officer responsible for the auction and complained that the instrument had been misdescribed. He offered to return the chromatograph, in exchange for a refund of the purchase price, or alternatively to keep the instrument if the contracting officer would refund part of that price. The contracting officer declined either option, and Mr. Cueto appealed her decision.

Through cooperative discussions between Mr. Cueto and agency counsel, the parties have now settled the case and ask the Board to dismiss it. The agency has agreed to pay Mr. Cueto a sum of money, and he has agreed to retain ownership of the chromatograph.

The parties' request is granted. The case is **DISMISSED**.

STEPHEN M. DANIELS
Board Judge